

Section II: REMARKS

It is respectfully requested that the present amendment be entered and that the changes as noted above in Section I be made to the application.

In the Office Action mailed 9/30/2003, claims 1-2, 4, 9-10, 12 and 17 were rejected under 35 USC 103(a) as being unpatentable over Cross (U.S. Patent 6,144,726) in view of Custy et al (U.S. Patent 5,774,879), and claims 3, 5-8, 11 and 13-16 were rejected under 35 USC 103(a) as being unpatentable over Cross (U.S. Patent 6,144,726) in view of Custy et al (U.S. Patent 5,774,879) and still further view of Bartoli et al (U. S. Patent 6,047,268). Those rejections are respectfully traversed. It is submitted that there is no basis for the combination of the three references and no suggestion in any of the references for the hypothetical combination proposed by the Examiner even if such a combination were possible and not contrived after having the benefit of applicant's disclosure. However, in order to further the prosecution of the present application, and without waiving any of applicant's rights to argue the allowability of the originally presented claims in a subsequent appeal or other proceeding in the event that the Examiner does not concur that the present amendment places the application in condition for allowance, applicant has herein amended the claims as noted, either directly or through dependence, to further clarify the recitation of the present invention and to even more clearly distinguish the present invention over the cited references, thereby obviating the noted rejections.

More specifically, Independent claims 1, 9 and 17 have herein been amended to include the recitation that the user is enabled to designate, by providing input on the user preference screen,

how often the charge account report is assembled and sent to the user. This "user-designated report frequency" feature is shown and described in connection with Figure 3 of the application.

As indicated on page 2 of the application: "... with the increasing number of transactions being made on a daily basis, it has become extremely difficult for the account holder to keep track of all of the purchases made during a billing cycle. Moreover, with more and more transactions being made, there is a corresponding increase in the number of fraudulent transactions. Generally, an account holder does not see a listing of charges from the bank account or other charge card administrator until several weeks after a transaction has occurred. Because of the relatively long time delays between the transaction and the reporting of the transaction to the customer, when a card is lost or stolen, many fraudulent charges may be made before the customer realizes that the card is missing and many fraudulent purchasing transactions occur that could have been avoided...."

The present invention solves the above-noted problem by enabling a user to designate a frequency with which the charge reports are assembled and sent to the user. This is accomplished by enabling the user to provide input to a user preference screen with regard to the user-customization of the charge account report. The "frequency" feature is not disclosed or even suggested in any of the cited references and to force the frequency feature into a combination with any one or even all of the cited references would destroy the particular references for their intended purposes since the references actually either do not teach the frequency feature at all or teach away from the idea of allowing the user to designate the frequency with which the charge account reports are assembled and sent to the user. None of the references

addresses the problem addressed and solved by the applicant as noted above.

It is noted that the present application discloses a system and methodology for enabling user approval or disapproval of charges to be made against a user's custom-designed account report on an item-by-item basis. As disclosed, a user is enabled to provide the user's preferences with regard to certain characteristics of a charge account report or statement. A periodic report or statement is then assembled in accordance with the user's preferences and the user is then enabled to approve or disapprove reported charges to the user's account on an item-by-item basis and communicate the approval/disapproval information to an account server for further processing. As noted above, the user is enabled to input the user's preference regarding the frequency with which the charge account report is assembled and sent to the user.

The Cross reference discloses a system in which charges are verified by comparing charges made to a database of standard charges and/or rates to determine if any of the current charges are out of line with the stored database information. A dispute report is then automatically generated if any of the charges are out of line. Cross does not enable user input to approve or disapprove charges on an item-by-item basis or to designate the frequency with which the reports are assembled and sent to the user. Further, Cross does not show or even suggest any means by which a user is enabled to design certain characteristics of the charge statement or report to facilitate the user's review of the charges. In a previous Office Action, it was admitted that "Cross does not specifically teach the charge account report is a customized charge account report" that was generated according to the user's preferences as is recited in the claims, but then the Examiner further states, without a citation, that the customization feature would be obvious because "it would allow

the user to better organizing and understanding (sic) his or her charge account report". It is submitted that invention cannot be denied because it serves a beneficial purpose. All good inventions serve beneficial and useful purposes - that characteristic is a requirement for invention and not a reason to declare an invention obvious. It is submitted that the amendments made herein regarding the inclusion of the report frequency characteristic, even further distinguish the present invention from the Cross reference.

Bartoli discloses a method and apparatus for billing for transactions conducted over the Internet but does not disclose or even suggest a means by which the user is enabled to define certain characteristics of a report or statement (such as frequency of the report and/or minimums or maximums) to the user showing charges made for user approval or disapproval on an item-by-item basis as is clearly taught and claimed in the present application.

The newly cited Custy reference is directed to an improved automated financial instrument processing system and method of operation in which various institutional grammar files can be integrated into report formats. There is no teaching, disclosure or even suggestion in Custy for the customization of a charge account report in combination with the enablement of user input to indicate approvals or disapprovals of charges on an item-by-item basis and user input with regard to the frequency with which the report is assembled and sent to the user, as is clearly recited in the claims as herein amended. In Custy, once a report is designed with a user's particular terminology, the report is automatically generated. There is no subsequent presenting of a customized charge account with a listing of charge transactions which can be approved or disapproved by the user on an item-by-item basis, or enablement for user input of report frequency

preference, as is clearly recited in the amended claims.

Each of the three primary references shows similar individual pieces and parts of the present invention in totally different contexts. There is no nexus in any of the references to even suggest the combination of any two or all three of the references in any manner for any productive purpose, even assuming the three references are compatible in the first place. The similarity of various pieces and parts of the references as noted on pages 2-6 has been noted but it is believed that there is no disclosure or motivation within any of the references, or nexus among the references, to even suggest the total combination of elements and relationships as recited in the claims as herein amended, including the report frequency user designation. It is submitted that all inventions can be broken down into incremental individual parts and each incremental individual part can generally be found in published references. However, where there is no teaching or suggestion in any of the references for the specific total combination of elements and relationships among those elements, as claimed by an applicant, it is submitted to be inappropriate to search the prior art using applicant's own disclosure as a recipe, to find piecemeal prior art references for individual components, and then to combine those references in a manner disclosed only by the applicant in order to reject applicant's own claims.

With the added recitations to the claims, applicant has herein amended the claims, either directly or through dependence, to further clarify the recitation of the present invention and to even more clearly distinguish the present invention over the cited references, thereby obviating the noted rejections.

As noted above, the present application includes claims 1-17 of

which claims 1, 9 and 17 are independent and the remaining claims are dependent from one of the independent claims. With the present amendment, all of the independent claims 1, 9 and 17 have herein been amended to include the "user-designated report frequency" feature in combination with the "item-by-item" approval/disapproval feature and other features which are not disclosed or suggested in the combination as claimed. As noted above, none of the cited references teaches or even suggests enabling a user to provide input to customize a charge report in accordance with user-selected preferences, **including a user selection of a report frequency**, in combination with providing that customized report back to the user to approve or disapprove charges listed on the custom report on an item-by-item basis. Thus, it is submitted that claims 1-17 as herein amended are clearly allowable under 35 USC 103(a) over Cross, Custy and/or Bartoli, taken individually or in any combination.

Thus, it is submitted that claims 1-17, as herein presented, are believed to be in condition for allowance, an early notice of which is hereby requested. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting the allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below. The Examiner's attention to this matter is greatly appreciated.

Respectfully submitted,



Robert V. Wilder (Tel: 512-246-8555)
Registration No. 26,352
Attorney for Applicants
Customer Number 000033761
4235 Kingsburg Drive
Round Rock, Texas 78681